

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
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LEXINGTON PRECISION CORP. ET.AL., : Case No.: 08-11153 (MG)
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Debtor. : Chapter 11
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**ORDER RE OCTOBER 28, 2008 HEARING ON DEBTORS' MOTION TO
EXTEND EXCLUSIVITY**

On October 7, 2008, the Debtors filed a motion to extend exclusivity. (ECF # 428.) On October 21, 2008, the Creditors Committee filed its objection to the motion. (ECF # 436.) On October 22, 2008, the Court received a letter (dated October 21, 2008) requesting that the October 28, 2008 hearing be an evidentiary hearing pursuant to Local Rule 9014-2. It appears to the Court based on the motion and the objection that this is a contested matter at which evidence should be presented. Therefore, the hearing on October 28, 2008 will be an evidentiary hearing.

The Debtors have the burden of proof on the motion to extend exclusivity. Therefore, on or before 12:00 noon, Friday, October 24, 2008, the Debtors shall file a list of witnesses and exhibits they intend to offer in evidence in their case-in-chief at the October 28, 2008 hearing. The witness list shall also include a brief narrative summary of the evidence they expect to elicit from each witness.

On or before 12:00 noon, Monday, October 28, 2008, the Creditors Committee shall file a list of witnesses and exhibits it intends to offer in evidence in support of its objection. The witness list shall also include a brief narrative summary of the evidence they expect to elicit from each witness.

Counsel for the Debtors and the Creditors Committee shall meet and confer on or before 5:00 p.m., Monday, October 28, 2008, to discuss and resolve any evidentiary objections to the testimony or exhibits that each intends to offer at the hearing on October 28, 2008. To the extent that any evidentiary issues are unresolved, the parties shall file memoranda of law in support of or in opposition to the objections at the start of the hearing on October 28, 2008.

During the evidentiary hearing on October 28, 2008, the Debtors and the Creditors Committee shall each be allocated a maximum of 2.0 hours, which they or it may use for argument and all direct, cross examination and redirect examination.

During the hearing on October 28, 2008, the Court requests the Debtors as part of their case-in-chief to offer evidence and/or argument explaining the statement in the motion that for the five month period through the end of August 2008 the Debtors had EBITDA (defined by Debtors in the motion as earnings before interest, taxes, depreciation, amortization and reorganization expenses) of \$4,544,800. (*See* ECF 428, at 2.) Based on the Court's review of the Debtors' monthly operating statements, the Court observed EBITDA (as defined in the operating statements) for that same period as \$1,199,000. Adding back the reported reorganization expenses for the same period of \$1,496,437.12, EBITDA before reorganization expenses would then be \$2,696,437.12. Please reconcile that figure with the figure included in the motion.

DATED: October 22, 2008
 New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge